



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DAN GIURCA,

Plaintiff,

-against-

MONTEFIORE HEALTH SYSTEM, INC., et  
al.,

Defendants.

18-CV-11505 (ER) (BCM)

**ORDER**

**BARBARA MOSES, United States Magistrate Judge.**

For the reasons stated on the record during the April 6, 2021 pre-motion conference, it hereby ORDERED that:

1. Rule 60(b)(3) Motion. No later than **May 3, 2021**, plaintiff may file a motion pursuant to Fed. R. Civ. P. 60(b), seeking relief from the stipulated dismissal of this action. Plaintiff having represented that the motion will be based on subsection (3), which permits the Court to grant relief based on "fraud . . . misrepresentation, or misconduct by an opposing party," the Court expects plaintiff's moving papers to focus on matters relevant to that standard.
2. Rule 11 Motion. If defendants elect to seek sanctions pursuant to Fed. R. Civ. P. 11 with respect to plaintiff's Rule 60(b)(3) motion, they shall *serve* their moving papers no later than **May 24, 2021**. Pursuant to Rule 11(c)(2), a Rule 11 motion may not be *filed or presented to the Court* if the challenged paper, claim, or contention is withdrawn or corrected within 21 days after the motion is served. However, for scheduling purposes, defendants shall file a status letter no later than **May 24, 2021**, advising the Court (without further detail) as to whether and when they served a Rule 11 motion.
3. Briefing Schedule Without Rule 11 Motion. If defendants elect not to serve a Rule 11 motion, their papers in opposition to plaintiff's Rule 60(b)(3) motion shall be filed no later than **June 1, 2021**, and plaintiff's optional reply papers shall be filed no later than **June 15, 2021**.
4. Briefing Schedule With Rule 11 Motion. If defendants elect to serve a Rule 11 motion, and if plaintiff does not withdraw or correct the challenged paper, claim, or contention within the 21-day "safe harbor," defendants shall file their papers in opposition to plaintiff's Rule 60(b)(3) motion, as well as their own Rule 11 motion, no later than **June 21, 2021**. Plaintiff's optional reply papers in support of his Rule 60(b)(3) motion, as well as his papers in opposition to defendants' Rule 11 motion, shall be filed no later than **July 6, 2021**. Defendants' optional reply papers in further support of their Rule 11 motion shall be filed no later than **July 19, 2021**.

5. Page Limits Etc. The parties' principal briefs (moving and opposition) shall be limited to 15 pages, exclusive of tables of contents and tables of authorities. Reply briefs shall be limited to 10 pages. All text must be in 12-point type or larger, including footnotes. In all other respects, the parties' briefs and other motion papers must conform to Local Civil Rules 7.1 and 11.1.

Dated: New York, New York  
April 6, 2021

**SO ORDERED.**



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**BARBARA MOSES**  
**United States Magistrate Judge**